

SUPREME COURT OF OHIO

Dayton Bar Assn. v. Hunt

135 Ohio St. 3d 386, 2013-Ohio-1486 (Ohio 2013) · No. 2012-1694 · Decided April 17, 2013

SUMMARY

The Supreme Court of Ohio indefinitely suspended Kevin Michael Hunt for professional misconduct arising from his representation of clients in a personal-injury matter. The court found dishonesty, incompetence, inadequate preparation, neglect, and intentional failure to pursue the clients' lawful objectives, with significant aggravating factors and little mitigating evidence.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Per Curiam; Maureen O'Connor, Chief Justice; Paul E. Pfeifer, Justice; Terrence O'Donnell, Justice; Evelyn Lundberg Stratton, Justice; William M. O'Neill, Justice; Judith L. French, Justice
JURISDICTION	Ohio
DECIDED	April 17, 2013
DOCKET	2012-1694
DISPOSITION	other
PROCEDURAL POSTURE	Attorney-discipline proceeding on a certified report from the Board of Commissioners on Grievances and Discipline of the Supreme Court of Ohio.
STANDARD OF REVIEW	The court independently reviewed the record and adopted the board's findings when clearly and convincingly supported by the evidence; it weighed the ethical duties violated, sanctions in similar cases, and aggravating and mitigating factors in determining the sanction.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Ohio
PARTIES	Dayton Bar Association v. Kevin Michael Hunt

TOPICS

torts

civil procedure

remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the record clearly and convincingly established that Hunt violated the cited disciplinary rules through dishonesty, incompetence, inadequate preparation, neglect, and intentional failure to pursue his clients' lawful objectives.
2. What sanction was appropriate in light of Hunt's misconduct and the aggravating and mitigating factors.

HOLDINGS

1. The record clearly and convincingly supported the board's findings that Hunt engaged in dishonesty, handled a legal matter without competence or adequate preparation, neglected an entrusted legal matter, and intentionally failed to seek his clients' lawful objectives; the court adopted those findings.
2. An indefinite suspension from the practice of law in Ohio was warranted.

KEY QUOTATIONS

“Because we find that Hunt engaged in a pattern of neglect and incompetence that lasted for four years and resulted in the dismissal of his clients’ case, failed to appreciate the gravity of his misconduct, and lied to the clients in order to conceal his neglect and incompetence, we adopt the board’s findings of fact and misconduct and indefinitely suspend him from the practice of law in Ohio.” (¶ 4)

“Accordingly, Kevin Michael Hunt is indefinitely suspended from the practice of law in Ohio.” (¶ 19)

FACTUAL BACKGROUND

Hunt represented the Ponds in a personal-injury matter arising from an automobile accident. He mistakenly believed that the minor driver of one vehicle could not be legally responsible, failed to respond to two motions for summary judgment, and allowed the case to be dismissed. Although he later obtained relief from one summary judgment and an opportunity to respond, he again failed to act, and he concealed the dismissal from the clients by falsely telling them that the settlement conference had been canceled and would be rescheduled. The clients eventually learned of the dismissal from another attorney after the statute of limitations had expired on Mrs. Pond's claim.

PROCEDURAL HISTORY

The Dayton Bar Association charged Hunt with multiple violations of Ohio's former Code of Professional Responsibility arising from his representation of clients in a personal-injury case. A panel of the Board of Commissioners on Grievances and Discipline found violations, identified multiple aggravating factors, and recommended an indefinite suspension; the board adopted the panel's findings and recommendation. The Supreme Court of Ohio adopted the findings and indefinitely suspended Hunt.

DISPOSITION

other

CASES CITED

- Dayton Bar Assn. v. Hunt, 127 Ohio St. 3d 390, 2010-Ohio-6148, 939 N.E.2d 1247
- Stark Cty. Bar Assn. v. Buttacavoli, 96 Ohio St. 3d 424, 2002-Ohio-4743, 775 N.E.2d 818, ¶ 16
- Disciplinary Counsel v. Broeren, 115 Ohio St. 3d 473, 2007-Ohio-5251, 875 N.E.2d 935, ¶ 21
- Toledo Bar Assn. v. Hickman, 107 Ohio St. 3d 296, 2005-Ohio-6513, 839 N.E.2d 24
- Cincinnati Bar Assn. v. Larson, 124 Ohio St. 3d 249, 2009-Ohio-6766, 921 N.E.2d 618
- Cuyahoga Cty. Bar Assn. v. Glaeser, 120 Ohio St. 3d 350, 2008-Ohio-6199, 899 N.E.2d 140
- Disciplinary Counsel v. Manning, 111 Ohio St. 3d 349, 2006-Ohio-5794, 856 N.E.2d 259

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